

May 27, 1981

LB 39, 39A, 411, 544

Mr. President, Senator Vickers offers a rules change. That will be referred to the Rules Committee. (See page 2329 of the Legislative Journal.)

Mr. President, I have in my possession letters as well as accompanying certificates from the Secretary of State regarding receipt of LB 39 and LB 39A. Both will be inserted in the Journal, Mr. President. (See pages 2330-2332 of the Legislative Journal.)

Mr. President, Senator Dworak would now move LB 544 to Select File for a specific amendment.

PRESIDENT: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. Speaker, based on the previous discussion with Senator Cullan and Senator Marvel's inclination I ask unanimous consent to withdraw this amendment.

PRESIDENT: All right, the amendment is withdrawn. Thank you, Senator Dworak. That takes care of...anything further on LB 544? Well then it just remains where it is. There is no motion to return so we will go on to the next one which is LB 411.

CLERK: Mr. President, Senator Hoagland would move to return LB 411 to Select File for a specific amendment. (See pages 2332-2334 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, you will remember that last night between 8:15 and 8:30 p.m. LB 411 came up. It is Senator Sieck's bill and Senator Sieck was off the floor and Senator Landis handled the bill for Senator Sieck and we worked out an amendment which incorporated Senator Sieck's amendment and made one other change but we were unable to get the amendment up here in time to have it attached and Senator Landis indicated that we would offer that today. Now what this amendment does basically is it does away with the requirement in Nebraska law that a motion for new trial necessarily be presented to trial court as a prerequisite to appealing a case and in doing that it makes Nebraska procedure consistent with that of the federal courts in many other states around the country and does away with a relatively antiquated rule in Nebraska that a lot of trial lawyers feel is unnecessary, going back within ten days to the trial court to remind him of all those same areas you reminded him of during the trial and that he turned down and relieves trial lawyers of that burden, relieves the courts of necessarily having to consider motions